

**Town of La Pointe Zoning  
Town Plan Commission Question & Answer Session Minutes  
September 23, 2010**

**Town Plan Commission (TPC) Members Present:** Ted Pallas, Chair, Charles Brummer, Vice-Chair, Larry Whalen, Suellen Soucek, Ron Madich (leaves at 5:58), Greg Thury (6).

**Town Plan Commission Members Absent:** Carey Baxter (1).

**Public Present:** Mike Starck (1).

**Town Staff Members Present:** Jennifer Croonborg-Murphy, ZA, Margaretta Kusch, ZCA (2).

**I. Call to Order/Roll Call**

Chair Pallas called the meeting to order at 5:00 PM at the Town Hall. Roll call reflected members present or absent as recorded above.

Chair Pallas states that this is a discussion/question and answer session for the public and that no changes will be made at this meeting.

**II. Public Comment**

The Town Plan Commission has received two letters regarding the ordinance revision.

One is from Bill Bussey (representing a large group of homeowners, principally from the Nebraska Row, Whitefish Street, and Sunny Slope Road areas).

The other is from Dick Hoffman, who couldn't be present. M. Starck states that he will speak to the issues raised in Dick Hoffman's letter, as he shares the opinions.

Both letters are attached to these minutes.

**III. Zoning Ordinance Revision Project**

**Zoning Ordinance Draft Sections 1.0 – 17.0 dated September 15, 2010**

Dick Hoffman notes that the Ordinance has varied language regarding amendments throughout. The following four phrases occur:

*"Lawfully existing before the date of enactment or amendment of this Ordinance"*  
*"Prior to the effective date of this Ordinance or subsequent amendments"*  
*"Within six (6) months of amendment of this Ordinance"*  
*"After adoption of this Ordinance."*

The Town Plan Commission note that the third phrase, *"within six (6) months..."* refers specifically to Lodging Facilities. It is agreed that consistent phrasing should be created elsewhere.

- **Section 1.0 Introduction**  
Not discussed.
- **Section 2.0 Definitions**

Dick Hoffman suggests adding a definition for “Permitted Use Envelope” to read: “Area of a lot, which is defined by the minimum setbacks.” It is thought that he is referring to buildable cores here, which is already discussed in Section 4.3.

Dick Hoffman suggests adopting the Ashland County definition for “structure,” noting that is more restrictive than that of the La Pointe Ordinance.

Dick Hoffman notes *“the definition of Lot Area excludes any portion of the public right-of-way. This is also less restrictive than the definition used by the Ashland Co. Amended Subdivision Control Ordinance [of] March 2009.”* M. Starck clarifies that Mr. Hoffman wants to know if two lots are created when a road divides a lot. The Zoning Administrator states that the Land Description Office and the County Surveyor don’t think so.

Dick Hoffman notes that there is no *“definition/regulation for the density of livestock production/products. Density being defined as animals allowed per acre and not allowing grazing/feeding in the shoreland front yard and implement odor control measures. Nuisance control when abutting primary residential use parcels.”* There is some discussion about this. Chair Pallas feels that there should be some sort of numerical cap on animals. The Town Plan Commission will consider this point during later meetings.

- **Section 3.0 Zoning Districts**

Mr. Bussey recommends replacing “\*” with “*See Note 1*” (and/or “*Note 2*”) in Sections 3.5 and 3.8. The Town Plan Commission decide they should follow his advice and make this change, although it will have to be officially done at the next meeting, as this is not a decision making meeting.

Dick Hoffman notes that the Ordinance requirements for Visual Clearance at an Intersection seems to conflict with Ashland County’s Visual Clearance requirements. The Zoning Administrator will check up on this.

Dick Hoffman asks *“What happens when two non-conforming lots are fused by Ordinance and a CSM is not created to record for history the fusion?”* There is agreement that this issue needs to be dealt with more clearly. The Zoning Administrator suggests that possibly a Land Use Permit/Conditional Use Permit wouldn’t be approved unless a Certified Survey Map was completed in these cases. C. Brummer states that language clarifying the issue will have to be added.

Dick Hoffman states that *“There is a conflict when a permitted use in S-1 is to be regulated. As stated the front and/or rear setback in S-1 shall be taken from the right-of-way of Big Bay. This would not be true for the parcel’s rear property line.”*

The Zoning Administrator doesn’t agree with this. For one thing, this situation also happens on South Shore Road. Setback is measured from the right-of-way, not necessarily the rear lot line.

- **Section 16.0 Appendices: Dimensional Requirements, Irregular Lot Widths, Zoning Districts Uses Matrix, & Lots in Multiple Zoning Districts**

Not discussed.

- **Section 17.0 Zoning Map**

M. Starck asks if there is a list of map changes, or something to easily compare this new draft map to. The Zoning Administrator responds that the new map is online, and that it’s possible to zoom in to whatever property very closely, so it’s easy to check one’s own property for changes.

There isn't really a specific "old" map to compare to, just the current Zoning Map, which doesn't have any of the proposed new districts on it, or the Comprehensive Plan Future Land Use Map, which has different proposed zoning districts.

The Zoning Administrator states that when she sends letters notifying the Public Hearings that will be coming up about the Ordinance revision, she plans on sending a bulk mailing to every property owner on the island, rather than try to figure out who is within 300 feet of a proposed zoning change (as it concerns all property owners anyway). She says that she will add a note to the mailing directing people to the map online for comparison.

(R. Madich leaves at 5:58)

#### **IV. Adjournment**

A special meeting will be held on Wednesday, September 29, at 4:30, to discuss the annual budget, and to have a question and answer session for Sections 4-15.

G. Thury moves to adjourn. S. Soucek seconds. All in favor, 5 aye. Motion Carries. Meeting ends at 6:02 pm.

**Draft Town Plan Commission Minutes respectfully submitted by Margaretta Kusch, ZCA on Thursday, September 30, 2010.**

**Town Plan Commission minutes are approved as amended by Margaretta Kusch, ZCA on Thursday, October 07, 2010.**